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MARRIAGE

WITH A

DECEASED WIFE'S SISTER

PROHIBITED BY THE WORD OF GOD.

BY

WILLIAM GREGG, A. M.,

MINISTER OF COOKE'S CHURCH, TORONTO.



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It is taught in the Westminster Confession of Faith that a man "may not marry any of his wife's relations nearer in blood than he may of his own." This implies that he may not marry his wife's sister, aunt, or niece, inasmuch as he is not at liberty to marry his own sister, aunt, or niece. The Scriptural authority of this doctrine has been called in question at late meetings of the Synod of the Canada Presbyterian Church, and a member of the Synod, the Rev. John Laing, of Cobourg, has published a pamphlet in which it is denied that there is any foundation for the doctrine in the Word of God. Other publications of a similar character have been circulated in the Province. Marriages within the forbidden degrees have been actually contracted between persons whose position and character give weight to their example. In some Churches the members are permitted to form such alliances without being subjected to discipline; and attempts are being made to sanction a similar practice in the Canada Presbyterian Church. Many of our people, and some of our office-bearers have apparently given to the subject but little attention. Some, who have studied it, are in doubt as to the validity of the arguments from Scripture, and ask for fuller discussion. In these circumstances I deem it proper, believing as I do that the marriages in question are forbidden in the Word of God, to present a brief statement of the Scriptural argument. As it is prohibition of marriage with a deceased wife's sister which is chiefly questioned, so this particular point will be chiefly kept in view.

It might be useful to show that, apart from the Scripture argument, there are strong arguments against marriage with a deceased wife's sister on grounds of expediency. It is less necessary, however, to dwell on these, as their force is admitted by many who question the argument from Scripture. Thus it is satisfactory to find, that, while contending that the Scriptures permit the marriage, Mr. Laing in his pamphlet is strongly opposed to it on grounds of expediency. "While we are convinced (he says) that 'the law of God does not prohibit the marriage in question, we 'are far from thinking that it is a proper one.' (p. 32) He gives good reasons also for this opinion. "Such marriages (he says) 'are undoubtedly opposed to the general sentiment of Christian Society. It matters not to what that sentiment may be owing; 'it is the *fact* that has weight. It is most inexpedient to do 'violence to the general sentiment of any community on a moral 'question, and therefore such marriages should be avoided." He says also:—"These marriages seem calculated to have an 'injurious effect on the harmony and peace of families, and on the 'confidence which should subsist between their various members;" and further—"we think that when men and women are constantly meeting on terms of the greatest intimacy, it should be 'perfectly understood that marriage between them is out of the 'question. In this light we think these marriages inexpedient, 'and thus wrong." He moreover considers that "these marriages, 'as the law is now, occasion confusion in Church and State, and 'therefore are inexpedient. So long as the law does not enjoin 'sin, it is expedient to conform to it." He further adds that "these marriages are wrong also as being contrary to law." He thinks them illegal in the Province of Quebec, and in the Province of Ontario contrary to law, and voidable during the life of the contracting parties—that, notwithstanding the contrary supposition entertained by many, "it is by no means certain that, in case of 'application being made, they cannot be voided by the Civil Law 'Courts in the absence of Ecclesiastical Courts." He holds, therefore, that "while the law remains as it is, such marriages are 'highly inexpedient and wrong." These reasons, founded on the prevailing Christian sentiment, the happiness of families, and public law, have certainly great weight; and might easily be illustrated and confirmed by an appeal to an overwhelming array of facts and authorities. But as their force is frankly admitted, I confine myself to the argument from Scripture.

The Divine Law of forbidden degrees is found in the 18th chapter of Leviticus. That the law there laid down is binding on Christians was admitted on all hands by those who took part in the discussion at the late meeting of the Synod. Mr. Laing says also in his pamphlet (p. 19) that he "believes that Scripture 'teaches that there is such a thing as Incest, forbidding marriage

"in certain relations; that in Leviticus xviii. chiefly this law is found; and that this law is of permanent obligation, binding on Christians." There can indeed be little doubt of this. Violations of the law are spoken of as sins of the Egyptians and Canaanites. It is not, therefore, a mere Jewish law. The following is the language by which it is introduced and followed:—"After the doings of the land of Egypt, wherein ye dwelt, shall ye not do, and after the doings of the land of Canaan, whither I bring you, shall ye not do, neither shall ye walk in their ordinances" (verse 3). "Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations, neither any of your own nation, nor any stranger that sojourneth among you (for all these abominations have the men of the land done, which were before you, and the land is defiled)," (verses 26 and 27). In the New Testament we find the Apostle Paul saying (1 Cor. v. 1).—"It is commonly reported that there is fornication among you, and such fornication as is not so much as named among the Gentiles, that one should have his father's wife." Plainly the Apostle assumes that there was some code different from that known among the heathen, which Christians were bound to acknowledge, and which prohibited a man's marriage with a stepmother. No law on this subject is found in the New Testament, but only in the Books of Moses, to which therefore Christians must look for guidance in respect to the prohibited degrees.

Let us now examine the Divine Law which is laid down in Leviticus. Leaving out of view, for the present, Lev. xviii. 18, (which, according as we adopt the rendering in the text, or in the margin, forbids the marriage of two sisters, while both are alive, or simply, of any two women, while both are alive), we find the following are the only relatives whom a man is *expressly* forbidden to marry.*

1. His mother (Lev. xviii., 7), a relative by blood.
2. His father's wife (*i. e.* stepmother) Lev. xviii. 8, and xx. 11), a relative by marriage.
3. His sister (Lev. xviii. 9, and xx. 17), a relative by blood.
4. His half-sister (Lev. xviii. 9, and xx. 17), a relative by blood.
5. His son's daughter (Lev. xviii. 10), a relative by blood.
6. His daughter's daughter (Lev. xviii. 10), a relative by blood.
7. His father's sister (Lev. xviii. 12, and xx. 19), a relative by blood.

* It seems sufficiently evident that the prohibitions in Lev. 18th include prohibitions of Marriage. They were so understood by the Jews, and are so understood by Christians generally. The terms used are not, in themselves, applicable merely to unlawful intercourse between persons not married to each other—they are elsewhere used with reference to marriages. Besides, if there be here no prohibition of incestuous marriages, such marriages are nowhere else forbidden, and thus a Jew might marry his nearest relatives without being guilty of incest. Although intercourse with them was punished by death, if there was no marriage, yet if the parties were married no punishment was inflicted! It need scarcely be added that the "wife" whom a man is forbidden to marry means "widow." Two men, father and son, or nephew and uncle, cannot be supposed to have been married at the same time to the same "wife." It is, obviously, the "widow" of the father and uncle whom the son and nephew are forbidden to marry. This is a common use of the word "wife" in other parts of Scripture.

8. His mother's sister (Lev. xviii. 13, and xx. 19),.....a relative by blood.
9. His father's brother's wife (Lev. xviii. 14, and xx. 20),...a relative by marriage.
10. His son's wife (Lev. xviii. 15, and xx. 12),.....a relative by marriage.
11. His brother's wife (Lev. xviii. 16, and xx. 21),.....a relative by marriage.
12. His wife's mother (Lev. xviii. 17, and xx. 14),.....a relative by marriage.
13. His wife's daughter (Lev. xviii. 17, and xx. 14),.....a relative by marriage.
14. His wife's son's daughter (Lev. xviii. 17),.....a relative by marriage.
15. His wife's daughter's daughter (Lev. xviii. 17),.....a relative by marriage.

No one can suppose that the above are the only relatives whom it would be sinful for a man to marry, or whom the Divine Law evidently intended to forbid. Thus, for example, neither in Leviticus, nor elsewhere in the Bible, is a man expressly forbidden to marry his grandmother, his niece, or even his daughter: but who can imagine that in giving a law on the subject of marriage, God did not intend to forbid marriage with such relatives? Evidently there are some marriages the prohibition of which is *necessarily implied*, although not expressed. We *must* have recourse to the method of inference in the interpretation of this, as of many other prohibitory laws. Nor are we to apply this method merely to the case of relatives by blood; we are bound in fairness to extend the method to the case of relatives by marriage. There are as good grounds, as we shall see, for inferring that it is sinful to marry a wife's aunt, sister, or niece, as for inferring that it is sinful to marry one's own grandmother, niece, or daughter. The same principles which lead to the conclusion that the one class of marriages is sinful, lead to the same conclusion with respect to the other class of marriages.

This will appear from the general principle that *a man may not marry any who are near of kin to him*. This is the general law as laid down in Lev. xviii. 6. "None of you shall approach to **ANY** *that is near of kin to him*, to uncover their nakedness. I am the "Lord." The words translated "near of kin to him," mean, as in the marginal rendering, "remainder of flesh." They include all near relatives by blood. They include also near relatives by marriage or by affinity, as it is called. That they apply to relatives by marriage, and not to relatives by blood merely, is evident from the fact, that of the fifteen particular cases specified as "near of kin," eight are relatives by marriage, and seven relatives by blood, the first on the list being a relative by blood, the second a relative by marriage, the next six being relatives by blood, and the last seven being relatives by marriage. If "near of kin" had been intended to include merely relatives by blood, it is unaccountable that the second on the list should be a relative by marriage, and preceded and followed by relatives by blood; and that the remaining relatives by marriage should be mentioned without any note that they were not included under the general denomination "near of kin." All is plain when we assume that relatives by marriage as well as by blood are "near of kin." This view is confirmed by the fact that husband and wife,

who are relatives not by blood but by marriage, are said to be "one flesh," which is equivalent to being "near of kin." Thus not only does Adam speak of Eve "this is flesh of my flesh," but adds, with regard to husband and wife generally—"Therefore shall a man leave his father and his mother and shall cleave unto his wife; and they shall be *one flesh*," Gen. ii. 23 and 24. Thus men and women are "near of kin," not by blood only, but also by marriage. Now surely a wife's sister is a near relative, a very near relative, by marriage; and if a man is forbidden to marry *any* who are near of kin, he is certainly, according to the general law, not at liberty to marry one who is so nearly related as his wife's sister. If it had been forbidden to marry some only who are near of kin, there might have been some room for doubt, but the prohibition is against *all* who are near of kin; assuredly, therefore, the law forbids marriage with a wife's sister.

In the more particular interpretation of the law laid down in Leviticus—taking in connection the general principle with the specified instances—it may fairly be assumed that *when marriage is expressly prohibited between relatives of a certain degree of nearness, it is unlawful between relatives of an equally distant degree.* Thus, although a man is not expressly forbidden to marry his own niece, this may fairly be inferred from the express prohibition of a man's marriage with his own aunt, who is an equally distant relative. In like manner, although there is no express prohibition against a man's marrying his daughter, the unlawfulness of this marriage may be inferred from the express prohibition of marriage with his mother, who is equally removed. This principle, in its application to the law of marriage, is admitted by Dr. Chalmers in the same posthumous work in which he says that Lev. xviii. 18 implies the liberty to marry a deceased wife's sister, as well as "a connivance at polygamy." In his "Readings" on Lev. xx. we find the following words: "On verse 19 let me remark, that a mother's sister is not nearer of kin than a sister's daughter; nor is a father's brother of nearer kin than a brother's daughter." In other words, an uncle or an aunt is not nearer than a niece. Dr. Chalmers mentions this evidently for the purpose of showing that although a man is not expressly forbidden to marry his niece, yet this is unlawful, because the niece is as near a relative as the aunt. Let this rule be applied to the case of a wife's sister. A woman is as nearly related to two brothers of a different family, as a man is to two sisters of a different family. It follows by the rule, that as marriage is expressly forbidden between a woman and two brothers in succession, so it is unlawful between a man and two sisters in succession. The marriage of a woman with two brothers is expressly forbidden in Lev. xviii. 16 and Lev. xx. 21 "Thou shalt not uncover the nakedness of thy brother's wife, it is thy brother's nakedness." "If a man shall take his brother's wife it

is an unclean thing." It is true that in Deut. xxv. 5 there is an exception made in the case of a brother dying childless. Allusion is made to this exceptional case in one of the Parables of our Lord, in which seven brothers in succession are said to have been married to one woman. The design of the exception was to preserve the inheritance in Canaan in the family to which it was attached. But as the ground of the exception has passed away, the exception ceases, and the general law remains, that a man may not marry his brother's wife. This being the general express law, it necessarily follows, according to the principle of equi-distant relations being forbidden, that a woman may not marry her sister's husband. In other words, a man ought not to marry his wife's sister.

There is another principle which may fairly be applied to the interpretation of the law of marriage. *When marriage is forbidden between relatives of a certain degree, it is unlawful between those who are more nearly related.* Thus a man's own daughter is a nearer relative than his aunt, and the express prohibition of marriage with an aunt would, according to the principle stated, imply prohibition of marriage with a daughter. This principle is so very evident that it recommends itself at once to the acceptance of all. A man is forbidden to marry *any* who are near of kin—nearly related by blood or marriage. It may be doubtful to what extent "nearness" may reach. But nothing can be plainer than that if it is ascertained to reach, in various directions, to a certain degree of remoteness, it includes all nearer or less remote degrees. Let this rule be applied with reference to the case in question. A wife's sister is a nearer relative by marriage than a father's brother's wife. Now a man is expressly forbidden to marry his father's brother's wife, (Lev. xviii. 14) "Thou shalt not uncover the nakedness of thy father's brother, thou shalt not approach his wife, she is thine aunt." In other words, he is forbidden to marry his father's sister-in-law, and therefore he ought not to marry his own sister-in-law, who is more nearly related to him. As he is more nearly related to his own sister than to his father's sister, so he is more nearly related to his own sister-in-law than to his father's sister-in-law, and is therefore less at liberty to marry his own sister-in-law than his father's sister-in-law.

There is yet another form in which the argument may be exhibited which is drawn from the law laid down in Leviticus. *Whatsoever is there forbidden to a man, is forbidden to a woman in similar relations.* Thus a man is expressly forbidden to marry his granddaughter, his mother and his aunt; so a woman ought not (although she is not expressly forbidden) to marry her grand-son, her father or her uncle. Dr. McCaul, of London, who strenuously contends for the lawfulness of marriage with a deceased wife's sister, virtually admits this principle, when arguing that his views may be established by fair inferences, as well as by express statements.

“Even in the New Testament (he says) the lawfulness of a man’s “marrying a second time is left to be proved by inference from the “permission given to a widow (Rom. vii.,) to take a second husband.” There are other cases in which it is equally necessary to assume the principle that what is unlawful to the man is unlawful to the woman in similar relations. Thus the tenth commandment is addressed particularly to the man, and forbids him to covet his neighbour’s wife; but surely it is equally sinful in a woman to covet her neighbour’s husband. Let this principle be applied to the marriage law in Leviticus, which is just an exposition of the fifth, seventh, and tenth commandments. It is forbidden, as we have already seen (Lev. xviii. 16, and xx. 21) to a woman to be united to two brothers in succession; it is therefore unlawful for a man to be married to two sisters in succession. Nor is it possible to set aside the force of this argument, so plain and simple, by the assertion that in many respects the woman differs from the man. It may be true that the man is stronger than the woman; that he is the head of the woman, that inheritances are entailed upon the man rather than the woman (as they are on the elder rather than the younger son); that in ancient times the choice of a woman in forming marriage alliances was held of little account; that adultery may be a more aggravated sin in a woman than in a man. But none of these things affect the principle that what is forbidden to a man is forbidden to a woman in similar relations. A man may not marry his mother; who would venture to argue from such differences as those mentioned, that a woman might marry her father? When, therefore, two brothers may not marry the same woman, why should it be argued from such differences that two sisters might be married to the same man?

It will now, I trust, be sufficiently apparent that it was the intention of the Divine Lawgiver to forbid marriage with a wife’s sister, and on the same principle, with a man’s own daughter, grandmother, or niece, although none of these relatives are expressly prohibited. If *all* who are near of kin are prohibited, and “near of kin” applies, as we have seen it does, to relatives by marriage as well as by blood, a man is not at liberty to marry a wife’s sister, who is very near of kin by marriage. If, when marriage is forbidden between relatives of a certain degree of nearness, it is unlawful between relatives of an equal degree of nearness; then as it is forbidden to a woman to be married to two brothers in succession, it is unlawful to a man to be married to two sisters in succession. If, when marriage is forbidden between relatives of a certain degree, it is still more plainly unlawful between persons more closely related; it is unlawful for a man to marry his wife’s sister, who is more nearly related to him than his father’s sister. If that which is forbidden to a man is forbidden to a woman in similar relations, a woman may not

marry her sister's husband, since a man may not marry his brother's wife. Any one of these considerations is conclusive against the marriage in question. Their combined force is, in my opinion, resistless.

Although marriage with a deceased wife's sister is the subject chiefly in question, it may be proper to add that, from the considerations advanced, marriage with a wife's aunt or niece may easily be shown to be unlawful. Thus, a man is expressly forbidden to marry his father's brother's wife (Lev. xviii. 14). It follows that a woman is forbidden to marry her mother's sister's husband, which is precisely the same thing as to say that a man may not marry his wife's sister's daughter. Further, if he cannot marry his wife's sister's daughter, he cannot marry his wife's ~~mother's~~ ^{mother} ~~sister~~, since both relatives are equally distant. So, also, it is unlawful for him to marry his wife's brother's daughter, or his wife's ~~brother's sister~~ ^{sister}; which relatives are equally distant with a wife's sister's ~~mother's~~ ^{mother} daughter, and with a father's brother's wife. In like manner, by an application of the principles laid down, it may be shown generally that, as stated in the Confession of Faith, "a man may not marry any of his wife's relations nearer in blood than he may of his own." Here it is proper to note (as much misconception prevails on the subject), that the Confession does not teach, nor do we hold, that a man is debarred from marrying his *wife's relatives by marriage* equally with his own relatives by blood. It is only to *his wife's relatives by blood* that the prohibition is held to extend. A man is not equally related to his wife's relatives by marriage and his wife's relatives by blood, and the instances given in Leviticus do not warrant an extension of the prohibition to both alike. If there had been even a single case in which a man was expressly forbidden to marry a wife's relative by marriage—for example, a wife's uncle's wife—it would have been proper to infer other cases of double affinity. *But there is not a single instance of a wife's relatives by marriage being expressly forbidden to the husband, or of the husband's relatives by marriage being forbidden to the wife;* hence, we are not warranted to extend the meaning of "near of kin" to any such relative.

In order to place the subject more clearly before the mind, and to exhibit the conclusions arrived at by an examination of the Divine law, I subjoin the common table of forbidden degrees, marking, in *Italics*, the relatives forbidden, not expressly, but by inference.

A MAN MAY NOT MARRY HIS

1. *Grandmother,*
2. *Grandfather's wife.*
3. Wife's grandmother,
4. Father's sister,
5. Mother's sister,
6. Father's brother's wife,

A WOMAN MAY NOT MARRY HER

1. Grandfather,
2. Grandmother's husband,
3. *Husband's grandfather,*
4. *Father's brother,*
5. *Mother's brother,*
6. *Father's sister's husband,*

7. <i>Mother's brother's wife,</i>	7. <i>Mother's sister's husband,</i>
8. <i>Wife's father's sister,</i>	8. <i>Husband's father's brother,</i>
9. <i>Wife's mother's sister,</i>	9. <i>Husband's mother's brother,</i>
10. <i>Mother,</i>	10. <i>Father,</i>
11. <i>Step-mother,</i>	11. <i>Step-father,</i>
12. <i>Wife's mother,</i>	12. <i>Husband's father,</i>
13. <i>Daughter,</i>	13. <i>Son,</i>
14. <i>Wife's daughter,</i>	14. <i>Husband's son,</i>
15. <i>Son's wife,</i>	15. <i>Daughter's husband,</i>
16. <i>Sister,</i>	16. <i>Brother,</i>
17. <i>Wife's sister,</i>	17. <i>Husband's brother,</i>
18. <i>Brother's wife,</i>	18. <i>Sister's husband,</i>
19. <i>Son's daughter,</i>	19. <i>Son's son,</i>
20. <i>Daughter's daughter,</i>	20. <i>Daughter's son,</i>
21. <i>Son's son's wife,</i>	21. <i>Son's daughter's husband,</i>
22. <i>Daughter's son's wife,</i>	22. <i>Daughter's daughter's husband,</i>
23. <i>Wife's son's daughter,</i>	23. <i>Husband's son's son,</i>
24. <i>Wife's daughter's daughter,</i>	24. <i>Husband's daughter's son,</i>
25. <i>Brother's daughter,</i>	25. <i>Brother's son,</i>
26. <i>Sister's daughter,</i>	26. <i>Sister's son,</i>
27. <i>Brother's son's wife,</i>	27. <i>Brother's daughter's husband,</i>
28. <i>Sister's son's wife,</i>	28. <i>Sister's daughter's husband,</i>
29. <i>Wife's brother's daughter,</i>	29. <i>Husband's brother's son,</i>
30. <i>Wife's sister's daughter,</i>	30. <i>Husband's sister's son,</i>

It will be observed that the second column is merely a statement in a different form of what is contained in the first column. Thus, No. 10 in the first column is the same as No. 13 in the second—prohibition of a man's marriage with his mother being the same as prohibition of a woman's marriage with her son. It thus appears that the number of *distinct prohibitions* in the two columns is thirty. Of these fifteen are expressly prohibited, and the other fifteen—those printed in *Italics*—by inference. That the inferences are good and necessary in most of the cases is generally admitted. Thus, Mr. Laing admits that they are all good, on various principles, with the exception of five, viz: a wife's aunts (Nos. 8 and 9), sister (No. 17), and nieces (Nos. 29 and 30). From the fact that a man is forbidden to marry his uncle's wife, he infers that he may not marry his nephew's wife, but denies that from a woman's being prohibited to marry her husband's nephew may be justly inferred the unlawfulness of marriage between a man and his wife's niece. The reason of his denial he extends to the case of a wife's sister. Let us endeavour to understand his reason, and see whether it is a good one. He thinks a man is not so nearly, or in the same way, related to his wife, as the wife is to her husband. By marriage the wife becomes his blood relative, but he does not become her blood relative. She becomes consanguineous with him, but he does not become consanguineous with her. Hence, he is less closely related to her relatives than she is to his. It follows that he may marry her sister, aunt or niece; but she may not marry his uncle, brother, or nephew. He further asserts that, so far as marriage is concerned, a sister is not so near to a sister as a brother is to a sister. Therefore, a sister's relatives by marriage are not so near to a woman as a brother's relatives by

marriage. Hence, while a woman may marry her sister's husband, a man may not marry his brother's wife. While a man may marry two sisters in succession, a woman cannot marry two brothers in succession. I think a mere statement of this style of reasoning is a sufficient refutation of it.* Few, I suppose, will place much stress upon the physiological considerations which may seem to countenance it, in the face of the Bible declarations respecting the husband and wife, that "*they twain shall be one flesh*," and the language in Lev. xviii. 12 and 13, which represents a man's sister to be his near kinswoman (his flesh) and at the same time a woman's sister to be her near kinswoman (her flesh). These and similar statements entirely discountenance the idea, that, so far as marriage is concerned, a man is less nearly related to his wife and her relatives than she is to him and his relatives; or that a brother and sister are more nearly related than two sisters; and thus leave us at liberty to extend the prohibitions to a wife's aunt, niece and sister, as well as to a husband's uncle, nephew, and brother.

Having examined the Divine Law, as contained in Lev. xviii., 6-17, and seen that, by good and necessary inference, it forbids marriage with a deceased wife's sister; let us now attend to the 18th verse, which, according to the translation in the English text, may seem to imply that such a marriage is permitted—but which

*The following extracts from Mr. Laing's pamphlet, with reference to his distinctions, will, I doubt not, be read with surprise:—

"What we call in question is the sameness of the *compound relation*—whether, according to the law of Moses, a relationship formed by blood and marriage is the same as a relationship formed by marriage and blood: or, to use the terms already employed, we ask whether, according to the law of Moses, simple affinity in the collateral line is the same in effect as consanguineous affinity in the collateral line?" (p. 23.) "Who does not regard as revolting, as subversive of all morality, and of the family institution, to speak of polygamy among women? Who would plead for that? Men may have more wives than one, but there is no confusion or mingling of blood so long as wives are chaste." With reference to what he calls "simple affinity," and "consanguineous affinity," he says: "Now let us remember that we have two *distinct and perfectly different relations* under the name of affinity, and let us not deceive ourselves by the ambiguous term. The first results from the marriage of a woman with the man's blood relatives; the other is the relation in which a man stands to his wife's blood relatives." "To establish the argument under notice we would require a statement to the effect, that being the sister of a man's wife is a bar to marriage, on the principle that two sisters are one flesh. Now this is nowhere said, but the contrary is implied." "But it is said, impatiently, 'What nonsense! Are not a sister and sister as much one flesh as a brother and sister?' We answer no—not in the only sense affecting the argument. A man is forbidden to marry his sister. By doing this there would take place confusion of blood. The thing is not possible in the case of sisters, therefore it needs no prohibition. Just so, a man might marry his brother's wife, which would produce confusion of blood, therefore it is forbidden; but though a man should marry his wife's sister there is no confusion of blood, therefore it is not prohibited, for that reason, but for the special one 'to vex her.' Strange as it may seem, in the two cases the man and woman are not brother-in-law and sister-in-law in the same sense. This will appear from the simple statement that the children of the one sister-in-law are heirs at law of the man; the children of the other are not in the line of succession at all." If there be any force in the last illustration, a sister is nearer to the eldest brother, who is the heir, than to the younger brothers, who are not heirs of the entailed inheritance!

only *seems* to imply it. The words of the English text are: "Neither shalt thou take a wife to her sister to vex her, to uncover her nakedness, beside the other, in her lifetime." This *seems* to imply that after the death of the wife he may marry her sister. But this is by no means a necessary inference. This Mr. Laing frankly admits. He says: "Taken, then, in its obvious sense, and in its connection with the preceding part of the law, it seems to mean a man is forbidden to marry his wife's sister; thus vexing her by doing that which is incestuous beside a sister during her life. This by no means *proves* that he may marry her when his wife is dead, although it *implies* it." Again he says: "If it can be shown from other passages that this marriage is incestuous, then this verse (18) cannot make it not incestuous, or *justify* it." He is quite right. That which is forbidden for a particular reason, which reason ceases at a particular time, might be wrong afterwards on other grounds. Thus we might suppose Isaac forbidden to marry a woman of Canaan, lest by doing this he would vex his father and mother during their lives. It does not follow, as a matter of course, that he might marry a Canaanitish woman afterwards. Nay, the very reason which would make such a marriage a vexation to the parents while they lived—alliance with a godless race—ought to prevent it afterwards. So when a man is forbidden to marry a wife's sister during the life of his wife, lest he should vex her, it does not follow as a matter of course that he may marry her after the death of his wife. The very same reason—the unlawful character of the connection—which would be a source of vexation to the wife while alive, might prevent the marriage afterwards. How is the wife vexed? Not simply by her husband's having two wives, but by the aggravated wickedness of consorting with her sister. The peculiar aggravation of this sin would render her miserable for life. She could never think of it but with abhorrence while she lived. Nor would that which rendered it so vexatious terminate with her life. Just as it would vex a woman through life if her husband were to marry her daughter, and as that which was the ground of the vexation—the unlawful nature of the connection—would continue to be sinful afterwards; so, a wife would be vexed by her husband marrying her sister, and the ground of the vexation—the unlawful nature of the connection—would continue afterwards. Thus, the translation in the English text affords no good or necessary inference in favour of marriage with a deceased wife's sister, in face of a law which as clearly forbids it as it forbids marriage with a daughter or niece. It does not "*prove or justify it.*" It may here be mentioned that, although the translation adopted in the English text was generally received for 1,500 years in the Christian church, it was scarcely ever supposed to give countenance to the marriage in question, which was generally regarded as forbidden in the previous verses. Even after the

faulty Greek and Latin versions ceased to be slavishly followed, and the original Hebrew text and its idioms began to be more carefully studied, many of the most distinguished Reformers (Calvin, for example), while translating as in the English text, unhesitatingly rejected the inference that marriage with a deceased wife's sister was permitted; holding that it was clearly forbidden in the previous verses. So also the rendering of the text is accepted by distinguished writers of the present day, who, nevertheless, contend that it affords no warrant to the marriage in question.

But if the marginal translation is adopted, there remains not even the slightest apparent countenance to marriage with a deceased wife's sister. The marginal translation is: "Neither shalt thou take one wife to another to vex her, &c." According to this translation, the 18th verse simply forbids the sin of polygamy, and does not touch upon the question of marriage with a wife's sister. There are many reasons on account of which I cannot resist the conclusion that this is the correct translation. These are fully exhibited by Dr. James Gibson, of Glasgow, whose treatise on the "Marriage affinity question" is the most satisfactory which I have seen on the subject. The chief reason is that the idiomatic form of expression translated in the text "wife to a sister," is elsewhere uniformly and, as is admitted, correctly translated "one to another," or by words of similar import. There are upwards of thirty cases, and the rendering in the text is the only case in which there is a departure from the general rule. The following are a few of the cases: In Gen. xiii. 11, it is said of Abraham and Lot that they separated themselves "one from the other"—the literal words are "a man from his brother." In Gen. xxvi. 31, it is said of Abimelech and Isaac that they swore "one to another,"—literally, "a man to his brother." In Ex. xxvi. 17, we read: "two tenons shall there be in one board, set in order, one against another"—literally, "a woman against her sister." In Ex. xxxvii. 9, it is said of the Cherubims that they "covered with their wings over the mercy seat, with their faces one to another"—literally, "a man to his brother." Now there is no good reason to depart from the usual meaning of the words in the translation of Lev. xviii. 18. If the same, or a similar form of expression, be translated by "one to another," or words of similar import, in thirty-four out of thirty-five cases, it is fair to conclude that it should be similarly translated in the remaining case.* The marginal translation, it

* It has been objected to the marginal translation, that it would require the plural noun "women" to be inserted before the phrase "woman to her sister," translated, "one woman to another." But why should we require the word "women" here, more than the word "men" in Gen. xiii. 11 and Gen. xxvi. 31? In all these places the plural noun is alike needless, and alike omitted. When Moses had been speaking of Abraham and Lot, it was needless to say, and he does not say "they separated themselves, the men, a man from his brother" (that is, one from another).

may be added, accords with the fact that polygamy, by the Divine law, as indicated in Gen. ii. 24, and Mal. ii., 14, 15, was sinful. It is held, indeed, by many that polygamy was not sinful in ancient times; and in proof of this, reference is made, among other things, to the cases of Abraham, David, and other polygamists. But the fact that Abraham and David were polygamists does not prove that polygamy was not sinful, any more than the fact that Abraham was guilty of falsehood, and David of murder, would prove that falsehood and murder were not sins. So far as David was concerned, his polygamy was in violation of a specific law, with reference to Kings, contained in Deut. xvii., 17: "Neither shall he multiply wives to himself, that his heart turn not away." Besides, in the case of Uriah's wife, it is represented as a sin that David had not only put her husband to death, but that he afterwards took her to be his wife. If it is alleged that God's declaration that he "gave" David his master's (that is, his father-in-law's) wives into his bosom, justifies his polygamy, the folly of such an allegation will be seen by comparing it with the similar declaration, in which God is said to "give the land of Egypt unto Nebuchadnezzar, King of Babylon," and which cannot be said to vindicate the conduct of Nebuchadnezzar in his aggressive wars. God, in his providence, permits wicked men to do wrong, and may thus be said to *give* them the desire of their hearts; but this implies no sanction of their conduct as being right and lawful. It can form no objection, therefore, to the marginal translation of Lev. xviii., 18, that elsewhere polygamy is supposed to be sanctioned by the word of God. The supposition is groundless. The original law against it is nowhere repealed. Lev. xviii. 18 is a simple re-enactment of it.

But while I prefer the marginal translation, it will be seen that, whether we adopt the marginal or the textual rendering, Lev. xviii. 18 neither *proves* nor *justifies* the marriage of a deceased wife's sister, in the face of a positive prohibition. In the previous verses there is a prohibition as distinctly and clearly implied as the prohibition of marriage with a niece, daughter, or grandmother. As a man should not marry his aunt, so a woman should not marry her uncle; as a man should not marry his mother, so a woman should not marry her father; as a man should not marry his granddaughter, so a woman should not marry her grandson. In

He simply says, "they separated themselves a man from his brother," (that is, one from another.) In like manner, when Moses is writing of women whom a man ought not to marry, it was needless to say, and he does not say "thou shalt not take women—a woman to her sister" (that is, one woman to another); but simply says "thou shalt not take a woman to her sister" (that is, one woman to another). The case is very different when he is writing of the faces of the cherubim, and the tenons, loops and curtains in the tabernacle. Thus, in Ex. xxvi. 6, the meaning would not have been apparent without the word "curtains." The verse would have been "thou shalt make fifty taches of gold, and couple together a woman to her sister (that is, one to another) with the taches." The word "curtains" is necessary after "couple," to prevent a ridiculous mistake.

like manner, as a woman should not be married to two brothers in succession, so a man ought not to be married to two sisters in succession. I trust the argument, as I have endeavored to present it, will commend itself to the reason and conscience of all, and especially of the members and office-bearers of the Canada Presbyterian Church. I think that, if seriously, candidly and prayerfully pondered, it may contribute to prevent our members from contracting, and our office-bearers from sanctioning, such alliances as brought down the judgments of the Almighty on the Egyptians and Canaanites, and, as I believe, expose us to similar judgments.

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